

House Civil Justice Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2383

House Bill No. 2202*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 27-5-108(a)(2), is amended by deleting the language "in a case before the general sessions court in which comparative fault is an issue at trial" and substituting instead the language "and cross appeals and separate appeals are not required".

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to appeals filed on or after the effective date of this act.



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Amendment No. _____

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Comm. Amdt. _____

AMEND Senate Bill No. 2563

House Bill No. 2208*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-816, is amended by deleting the section in its entirety and substituting instead the following:

(a) As used in this section, "employee" means a person employed full time to work in a public kindergarten through grade twelve (K-12) school, including as a teacher, principal, vice principal, or other staff member.

(b)

(1) Notwithstanding § 39-17-1309 or any other provision of title 39, chapter 17, part 13 to the contrary, in addition to persons who are authorized to possess a firearm on school property under any other law, a local board of education may adopt a policy allowing the director of schools, in consultation with the principal of each school, to authorize and select employees who may carry a concealed handgun within and on the grounds of the school to which the person is assigned.

(2) If the director of schools authorizes one (1) or more employees to carry a concealed handgun as provided in subdivision (b)(1), the maximum number of employees that may be authorized is one (1) employee for each seventy-five (75) students enrolled in the school.

(c) No employee shall be disciplined or otherwise suffer adverse employment consequences if the employee does not volunteer to be trained to carry a concealed handgun pursuant to this section.



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(d)

(1) The director of schools shall not select an employee to carry a concealed handgun pursuant to this section unless the employee:

(A) Possesses and maintains a valid handgun carry permit issued by this state pursuant to § 39-17-1351;

(B) Is not prohibited from carrying a handgun under the laws of this state or federal law;

(C) Prior to carrying the concealed handgun on school property, successfully completes at least forty (40) hours of handgun instruction administered and taught by a local law enforcement agency or a private certified firearms instructor. The handgun instruction curriculum shall be taken by the law enforcement agency or the private certified firearms instructor from an existing curriculum that has been approved by the peace officers standards and training (POST) commission for use in training school resource officers and other law enforcement officers; and

(D) On an annual basis, completes at least sixteen (16) hours of continuing handgun instruction administered and taught by a local law enforcement agency or a private certified firearms instructor.

(2) Any handgun instruction curriculum that a law enforcement agency or a private certified firearms instructor uses for school employees as provided in subdivision (d)(1)(C) shall include instruction designed to:

(A) Emphasize strategies for preventing school shootings and for securing the safety of potential victims of school shootings;

(B) Educate the employee about legal issues relating to the use of force or deadly force in the protection of others;

(C) Introduce the employee to effective school safety strategies and techniques;

(D) Improve the employee's proficiency with a handgun; and

(E) Enable the employee to respond to an emergency situation requiring deadly force, such as a situation involving an active shooter.

(3) It is the duty of the employee to send to the director of schools a certificate evidencing successful completion of the initial forty-hour handgun training instruction and the annual sixteen-hour continuing handgun training instruction. No director of schools may select an employee to carry a concealed handgun on the property of the school to which the employee is assigned without proof of successful completion of the training requirements and a valid handgun carry permit.

(e) The cost of the handgun carry permit, additional firearms training, and the handgun and ammunition the employee will be carrying shall be at the expense of the employee who has been authorized to carry a concealed handgun pursuant to this section. The LEA assumes no financial responsibility for a handgun possessed by an employee pursuant to this section. Nothing in this subsection (e) shall prohibit an LEA from paying a portion or all of the costs associated with the required training or handgun carry permit fees.

(f) For the safety of law enforcement officers, other first responders, faculty and staff, students, and the employee carrying the concealed handgun pursuant to this section:

(1) Within ten (10) days after the director of schools has authorized an employee to carry or possess a concealed handgun on school property pursuant to subdivision (b)(1), the director shall notify the chief of the appropriate local law enforcement agency of each such authorization; and

(2) Each employee authorized by the director of schools to carry a concealed handgun at an interscholastic athletic event pursuant to this section, other than a law enforcement officer, shall wear appropriate insignia or clothing that clearly identifies the employee as a school security officer or otherwise as being in lawful and authorized possession of a handgun.

(g) An employee's authorization to carry a concealed handgun pursuant to this section shall become ineffective upon the:

(1) Expiration, suspension, or revocation of the employee's handgun carry permit pursuant to § 39-17-1351; or

(2) Termination of the employee's employment with the school.

(h) The board of education and director of schools may, at their sole discretion, revoke an employee's authorization to carry a concealed handgun on school property with or without cause.

(i) The notification transmitted to the chief of the appropriate local law enforcement agency pursuant to subdivision (f)(1), the names and contact information of any employee authorized to carry or possess a concealed handgun on school property pursuant to subdivision (b)(1), any listing or compilation of names or individual names of persons who are authorized to carry or possess a firearm on school property, whether the director of schools and the principal of the school have or have not authorized an employee to carry or possess a firearm on school property, or any other document, file, record,

information, or material relating to the carrying or possessing of a handgun on school property pursuant to this section that is transmitted to or received, maintained, stored, or compiled by the director of schools, the principal of the school, any LEA, or county or municipal law enforcement agency, shall be confidential and not open for public inspection under title 10, chapter 7.

(j) Nothing in § 49-3-315 shall require an LEA or a law enforcement agency of the county to assign or provide funding for a school resource officer, as defined in § 49-6-4202, to any city school system within that county on the basis of the WFTEADA, as defined in § 49-3-302. The providing of security or school resource officers by a sheriff shall be considered a law enforcement function and not a school operation or maintenance purpose that requires the apportionment of funds pursuant to § 49-3-315.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.

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Comm. Amdt. _____

AMEND Senate Bill No. 1848

House Bill No. 1774*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 16-22-103, is amended by adding the following language as a new, appropriately designated subdivision:

() "Regional juvenile drug court treatment program" means a docket within a juvenile court operating under § 16-22-114(b) to which selected delinquency cases and certain status offenders are referred for handling by a designated judge, and in which the program includes the following characteristics:

(A) Juveniles referred to the docket are identified as having problems with alcohol, drugs, or both;

(B) The juvenile drug court judge maintains close oversight of each case;

(C) The judge both leads and works as a member of a team comprised of representatives from treatment, juvenile justice, social services, school, and other relevant services; and

(D) A determination by the team in how best to address the substance abuse and related problems of the juvenile and the juvenile's family;

SECTION 2. Tennessee Code Annotated, Section 16-22-114, is amended by designating the existing language as subsection (a) and adding the following language as new subsections:

(b) In addition to courts exercising criminal jurisdiction and authorized to serve as drug treatment courts, as a pilot project for up to five hundred (500) juveniles in counties outside of counties operating a drug treatment court for juveniles under



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subsection (a) on June 30, 2018, courts exercising jurisdiction over juveniles alleged to be delinquent or unruly may also develop and operate a regional juvenile drug court treatment program for juveniles who are not under the jurisdiction of another juvenile court in this state. A regional juvenile drug court treatment program shall be subject to all guidelines and requirements of §§ 16-22-101 - 16-22-104, §§ 16-22-106 - 16-22-108, and §§ 16-22-111 - 16-22-114.

(c) A court operating a regional juvenile drug court treatment program under subsections (b)-(g) shall have jurisdiction over:

- (1) Any juvenile under its jurisdiction on June 30, 2018;
- (2) Any juvenile from a county not under its jurisdiction on June 30, 2018, whose parent or legal guardian petitions the court to permit the juvenile to be evaluated and, if appropriate, treated as a participant in the program; and
- (3) Any juvenile for whom the court with original jurisdiction orders a transfer of jurisdiction over the juvenile to the regional juvenile drug treatment court.

(d) Any parent or legal guardian who is a resident of this state may petition the nearest or most conveniently located regional juvenile drug court treatment program for a juvenile to be evaluated and, if appropriate, treated under subsections (b)-(g).

(e)

(1) Subject to the availability of public funding or private resources and in addition to any other treatment available under the regional juvenile drug court treatment program, in-patient treatment for appropriate juveniles is authorized under the pilot project.

(2) Subject to the availability of public funding or private resources through a public/private partnership, in-patient treatment for juveniles participating in the pilot project may be authorized based on the results of a juvenile evidence-based substance abuse clinical assessment and determination

of clinical need for residential treatment by a licensed substance abuse professional.

(f) A parent who voluntarily petitions the court for evaluation and treatment of a juvenile under subsections (b)-(g) shall agree to have the child attend a regional recovery high school upon release from an in-patient treatment program.

(g) As determined by the court for each juvenile in the pilot project, the program shall include meetings with a case manager, the judge, or additional persons as determined by the court.

(h) The pilot project shall be under the administrative oversight of the administrative office of the courts (AOC). Courts participating in the pilot project shall collect and maintain appropriate documentation and data elements as required by the department of mental health and substance abuse services. The AOC shall ensure appropriate documentation and data is provided to the department of mental health and substance abuse services for the purpose of program evaluation.

(i) The pilot project established by subsection (b) shall begin on July 1, 2018, and shall terminate on June 30, 2023. The department of mental health and substance abuse services shall conduct an evaluation of the pilot project and report to the general assembly with findings and recommendations concerning the pilot project on or before January 15, 2024.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

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AMEND Senate Bill No. 2335*

House Bill No. 2485

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following as a new section:

(a)

(1) No unauthorized person shall enter the restricted access area of a commercial service airport, in or beyond the airport security screening checkpoint, possessing a handgun or having a handgun under the person's control.

(2) Any restricted access area must be clearly indicated by prominent signs indicating that weapons are prohibited in the area. Such area shall not include an airport drive, general parking area, walkway, shop, or areas of an airport terminal that are outside the screening checkpoint and that are normally open to unscreened passengers or visitors to the airport.

(b) A person who violates subdivision (a)(1) commits a Class B misdemeanor.

(c) Notwithstanding § 39-17-1359, it is not an offense for a person authorized to carry a handgun pursuant to the laws of this state or federal law to carry a handgun in a concealed manner in an airport drive, general parking area, walkway, shop, or other area of an airport terminal that is outside a restricted access area and screening checkpoint and that is normally open to unscreened passengers or visitors to the airport. It is not an offense for a person, who is not prohibited from possessing or receiving a firearm pursuant to the laws of this state or federal law, to possess a firearm in a motor



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vehicle in an airport drive or general parking area if the firearm is kept from ordinary observation.

(d) An airport cannot prohibit the carrying of firearms according to this section on an airport drive, general parking area, walkway, shop, or areas of an airport terminal that are outside the screening checkpoint and are normally open to unscreened passengers or visitors to the airport, unless the airport provides the security provisions listed in § 39-17-1359 (g)(1).

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.

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AMEND Senate Bill No. 1512*

House Bill No. 2192

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 3, is amended by adding the following as a new section:

- (a) Each law enforcement agency shall ensure that whenever a person is arrested by an officer of the agency that the person is asked:
 - (1) Whether the person is the parent or legal custodian of any children under the age of eighteen (18);
 - (2) Who is each child's next of kin; and
 - (3) Who has physical custody of each child and the location of each child while the person is in law enforcement custody.
- (b) Each law enforcement agency shall develop policies and procedures for conducting welfare checks on children based on the information provided in accordance with subsection (a). Each agency shall conduct timely child welfare checks in accordance with policies and procedures established pursuant to this subsection (b).

SECTION 2. For purposes of establishing policies and procedures, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2018, the public welfare requiring it.



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House Civil Justice Subcommittee Am. #1

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AMEND Senate Bill No. 2309

House Bill No. 2281*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-131(a)(5), is amended by deleting the subdivision and substituting instead the following language:

Assessing a fine not to exceed fifty dollars (\$50.00) against either the child or the child's parent or legal guardian, as the court finds appropriate, for each offense that constitutes a violation of a state law or municipal ordinance;

SECTION 2. Tennessee Code Annotated, Section 37-1-146(b)(4), is amended by deleting the subdivision and substituting instead the following language:

Impose a fine of not more than fifty dollars (\$50.00) against the child or the child's parent or legal guardian, as the court finds appropriate; or

SECTION 3. Tennessee Code Annotated, Section 37-1-146(c), is amended by deleting the language "child" and substituting instead the language "child or the child's parent or legal guardian".

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.



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AMEND Senate Bill No. 1955

House Bill No. 1602*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Second Amendment Protection Act of 2018".

SECTION 2. Tennessee Code Annotated, Section 39-17-1314, is amended by adding the following new subsections:

(j)

(1) As used in subsections (j) and (k), "government entity" means a city, county, town, municipality, or metropolitan government and shall not include local boards of education and facilities that are licensed under title 33, 37, or 68.

(2) The general assembly declares that the lawful commerce, ownership, use, transfer, possession, exhibition, and display of firearms, ammunition, or firearm accessories are fundamental rights of citizens and that these rights are protected by both the Constitution of Tennessee and the United States Constitution. Accordingly, a government entity is expressly prohibited from engaging in any act or omission, directly or indirectly, concerning an event specified in subdivision (j)(3).

(3) A government entity that owns or operates any property that is made available to third parties or entities for use as a venue, rental facility, or for other public or private purposes, shall not refuse to make the property available to or otherwise discriminate against any person or entity because the proposed use of the property involves a gun show, an outdoor show, a hunting or fishing show, a Second Amendment show or event, or any other show or event that may involve



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the lawful commerce, ownership, use, transfer, possession, advocacy, exhibition, or display of firearms, arms, ammunition, or firearms accessories. However, an event described in this subdivision (j)(3) shall not involve the intentional discharge of firearms on the property unless such property is used by the government entity or intended to be used as a temporary or permanent sport shooting range.

(4) An adversely affected person may challenge a denial, discrimination, ordinance, rule, regulation, or policy in violation of this subsection (j) by bringing an action in accordance with subsection (g) and, if the person prevails, may be awarded damages in accordance with subsection (i).

(k) Except as provided in subsection (b), a government entity shall not enact, have, or enforce ordinances, rules, or regulations that have the effect of prohibiting, restricting, or infringing a person's rights under the Tennessee Constitution, the United States Constitution, or under any state law relative to firearms, ammunition, arms, or accessories thereof. An adversely affected person may challenge such ordinance, rule, or regulation by bringing an action in accordance with subsection (g) and, if the person prevails, may be awarded damages in accordance with subsection (i).

SECTION 3. Tennessee Code Annotated, Section 39-17-1311(b)(1)(J)(iii), is amended by deleting the phrase "when the program has been approved by the administrator of the recreational building or property".

SECTION 4. This act shall take effect July 1, 2018, the public welfare requiring it.

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AMEND Senate Bill No. 1808*

House Bill No. 1854

by deleting the following language in Section 1(a):

The list must be prepared and sent to the administrator of elections at least on a bimonthly basis.

and substituting instead the following:

The list must be prepared and sent to the administrator of elections according to the jury summons cycle used by the court clerk.

AND FURTHER AMEND by adding the language "under subsection (a)" immediately after the language "showing the person's disqualification" in Section 1(d).



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House Civil Justice Subcommittee Am. #1

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AMEND Senate Bill No. 2603

House Bill No. 2386*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-5-301, is amended by adding the following as a new subsection:

(f)

(1) Notwithstanding § 4-5-322(b)(1), venue for appeals of contested case hearings shall be in the chancery court nearest to the place of residence of the person contesting the agency action or alternatively, at the person's discretion, in the chancery court nearest to the place where the cause of action arose.

(2) This subsection (f) shall not apply to TennCare.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.



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AMEND Senate Bill No. 1758*

House Bill No. 1794

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 66-22-101, is amended by deleting the section and substituting instead the following:

(a) Unless otherwise provided by law, to authenticate an instrument or document for registration or recording in the office of the county register, the maker or the natural person acting on behalf of the maker shall execute the instrument or document by that person's original signature, and the signature shall be either acknowledged according to law or proved by at least two (2) subscribing witnesses. The county register may refuse to record any instrument or document not authenticated in accordance with this section.

(b) For purposes of this section, "person's original signature" includes an electronic signature as defined in § 8-16-302.

(c) For purposes of this title and subject to subsection (d), a person may personally appear before the officer taking the acknowledgment by:

(1) Physically appearing before the officer; or

(2) Appearing by means of an interactive two-way audio and video communication that meets the online notarization requirements under rules promulgated by the secretary of state pursuant to the Online Notary Public Act, compiled in title 8, chapter 16, part 3, to provide for the orderly administration of this chapter.

(d) The acknowledging officer must designate in the acknowledgment form whether the principal personally appeared before the officer by means of an interactive



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two-way audio and video communication pursuant to subdivision (c)(2). If the person appears by means of an interactive two-way audio and video communication, the appearance and the certificate shall be deemed compliant with this chapter if the acknowledging officer amends the acknowledgment forms set forth in §§ 66-22-107, 66-22-108, and 66-22-114, to read "personally appeared before me by audio-video communication" or "appeared before me by audio-video communication" rather than "personally appeared" or "appeared before me".

SECTION 2. Tennessee Code Annotated, Title 8, Chapter 16, is amended by adding the following as a new part:

8-16-301. Short title. This part shall be known and may be cited as the "Online Notary Public Act."

8-16-302. Part definitions. As used in this part:

- (1) "Appear" or "appearance" or "personally appear" means:
 - (A) Physically appearing before a notary public; or
 - (B) Appearing before an online notary public by means of an interactive two-way audio and video communication that meets the online notarization requirements under rules promulgated by the secretary of state;
- (2) "Credential analysis" means a process or service operating as outlined in rules promulgated by the secretary of state, through which a third person affirms the validity of a government-issued identification credential through review of public and proprietary data sources;
- (3) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;
- (4) "Electronic document" means information that is created, generated, sent, communicated, received, or stored by electronic means;
- (5) "Electronic notarial certificate" means the portion of a notarized electronic document that is completed by an online notary public and contains the following:

(A) The online notary public's electronic signature, electronic seal, title, and commission expiration date;

(B) Other information required by the secretary of state in rule concerning the date and place of the online notarization; and

(C) The facts attested to or certified by the online notary public in the particular notarization;

(6) "Electronic seal" means information within a notarized electronic document that confirms the online notary public's name, jurisdiction, identifying number, and commission expiration date and generally corresponds to information in notary seals used on paper documents;

(7) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the electronic document;

(8) "Identity proofing" means a process or service operating according to criteria as outlined in rules promulgated by the secretary of state, through which a third person affirms the identity of an individual through review of personal information in public and proprietary data sources;

(9) "Notarial act" means the performance by an online notary public of a function authorized under § 8-16-112;

(10) "Online notarization" means a notarial act performed by means of two-way video and audio conference technology that meets the standards adopted under § 8-16-305;

(11) "Online notary public" means a notary public who is a commissioned notary public and has been additionally commissioned to perform online notarizations as outlined in this part;

(12) "Principal" means an individual:

(A) Whose electronic signature is notarized in an online notarization; or

(B) Who appears before and provides an acknowledgement of or takes an oath or affirmation from the online notary public but not in the capacity of a witness for the online notarization; and

(13) "Remote presentation" means transmission to the online notary public through communication technology of an image of a government-issued identification credential that is of sufficient quality to enable the online notary public to:

(A) Identify the individual seeking the online notary public's services; and

(B) Perform credential analysis.

8-16-303. Applicability of part. This part only applies to online notarizations.

8-16-304. Rulemaking. The secretary of state shall promulgate rules necessary to implement this part, including rules to facilitate online notarizations. Rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

8-16-305. Standards for online notarization.

(a) The secretary of state shall promulgate by rule standards for online notarization in accordance with this part, including standards for credential analysis and identity proofing.

(b) The secretary of state may confer with other appropriate agencies on matters relating to equipment, security, and technological aspects of the online notarization standards.

8-16-306. Application; qualifications.

(a) A person who has been commissioned as a notary public may apply to the secretary of state to be commissioned as an online notary public in the manner provided by this section.

(b) A person qualifies to be commissioned as an online notary public by:

(1) Satisfying the qualification requirements for appointment as a notary public under part 1 of this chapter; and

(2) Submitting to the secretary of state an application in the form prescribed by the secretary of state that satisfies the secretary of state that the applicant is qualified.

(c) The application required by subsection (b) must include:

(1) The applicant's legal name as listed in the records of the county where the applicant is commissioned as a notary;

(2) The applicant's physical address in this state, which includes the street address, city, state, and zip code. However, the applicant may provide a post office box number for purposes of receiving mail from the secretary of state;

(3) A valid email address for the applicant;

(4) A valid telephone number of the applicant;

(5) The county in this state where the notary was commissioned as well as the date the notary was commissioned and the date the notary commission expires;

(6) Any other information deemed necessary by the secretary of state for the purpose of determining whether the applicant qualifies to become an online notary; and

(7) A certification that the applicant will comply with the secretary of state's standards promulgated pursuant to § 8-16-305.

(d) The secretary of state may charge a fee for an application submitted under this section not to exceed an amount necessary to administer this part.

8-16-307. Performance of notarial acts. An online notary public:

(1) Is a notary public for purposes of this chapter, is subject to this chapter, and must be appointed and commissioned as a notary public under this chapter;

(2) May perform notarial acts as provided in part 1 of this chapter; and

(3) May perform an online notarization, without regard to the physical location of the principal, if the notary is physically located in this state.

8-16-308. Electronic record of online notarizations.

(a) An online notary public shall keep a secure electronic record of electronic documents notarized by the online notary public. The record may be kept in one (1) or more electronic journals. The electronic record must contain for each online notarization:

- (1) The date and time of the notarization;
- (2) The type of notarial act;
- (3) The type, the title, or a description of the electronic document or proceeding;
- (4) The printed name and address of each principal involved in the transaction or proceeding;
- (5) Evidence of identity of each principal involved in the transaction or proceeding in the form of:
 - (A) A statement that the person is personally known to the online notary public;
 - (B) A notation of the type of identification document provided to the online notary public;
 - (C) A record of the identity verification made, if applicable; or
 - (D)
 - (i) The printed name and address of each credible witness swearing to or affirming the person's identity; and
 - (ii) For each credible witness not personally known to the online notary public, a description of the type of identification documents provided to the online notary public;
- (6) A recording of any video and audio conference that is the basis for satisfactory evidence of identity and a notation of the type of identification presented as evidence; and

- (7) The fee, if any, charged for the notarization.
- (b) The online notary public shall take reasonable steps to:
 - (1) Ensure the integrity, security, and authenticity of online notarizations;
 - (2) Maintain a backup for the electronic record required by subsection (a); and
 - (3) Protect the backup record from unauthorized use.

(c) The electronic record required by subsection (a) must be maintained for at least five (5) years after the date of the transaction or proceeding requiring notarization. The notary, or a guardian or personal representative of an incapacitated or deceased notary, may by agreement use a repository acting in accordance with any rules established under this chapter to maintain such records.

8-16-309. Use of electronic record, signature, and seal.

- (a) An online notary public shall take reasonable steps to ensure that any registered device used to create an electronic signature is current and has not been revoked or terminated by the device's issuing or registering authority.
- (b) An online notary public shall keep the online notary public's electronic record, electronic signature, and electronic seal secure and under the online notary public's exclusive control, which includes access protection through the use of passwords or codes under control of the notary public. No online notary public shall allow another person to use the online notary public's electronic record, electronic signature, or electronic seal.
- (c) An online notary public may only use the online notary public's electronic signature for performing online notarizations.
- (d) An online notary public shall attach the online notary public's electronic signature and electronic seal to the electronic notarial certificate of an electronic document in a manner that is capable of independent verification and renders any subsequent change or modification to the electronic document evident.

(e) An online notary public shall immediately notify an appropriate law enforcement agency and the secretary of state of the theft or vandalism of the online notary public's electronic record, electronic signature, or electronic seal. An online notary public shall immediately notify the secretary of state of the loss or use by another person of the online notary public's electronic record, electronic signature, or electronic seal.

8-16-310. Online notarization procedures.

(a) An online notary public may perform an online notarization that meets the requirements of this part and rules promulgated pursuant to this part regardless of whether the principal is physically located in this state at the time of the online notarization. An online notary public must be physically located within this state when performing an online notarization.

(b) In performing an online notarization, an online notary public shall verify the identity of a person creating an electronic signature at the time that the signature is taken by using two-way video and audio conference technology that meets the requirements of this part and rules promulgated pursuant to this part. Identity may be verified by:

(1) The online notary public's personal knowledge of the person creating the electronic signature; or

(2)

(A) Remote presentation by the person creating the electronic signature of a government-issued identification credential, including a passport or driver's license, that contains the signature and a photograph of the person;

(B) Credential analysis of the credential described in subdivision (b)(2)(A); and

(C) Identity proofing of the person described in subdivision

(b)(2)(A).

(c) The online notary public shall take reasonable steps to ensure that the two-way video and audio communication used in an online notarization is secure from unauthorized interception.

(d) The electronic notarial certificate for an online notarization must include a notation that the notarization is an online notarization.

(e) The validity of an online notarization performed by an online notary public of this state in accordance with this chapter shall be determined by applying the laws of this state.

8-16-311. Fees for online notarization. An online notary public or the online notary public's employer may charge a fee in an amount not to exceed twenty-five dollars (\$25.00) each for performing an online notarization in addition to any other fees authorized under this chapter.

8-16-312. Termination of online notary public's commission.

(a) The secretary of state shall terminate the commission of an online notary public if the online notary fails to comply with this chapter.

(b) Except as provided in subsection (c), an online notary public whose commission terminates shall destroy the coding, disk, certificate, card, software, or password that enables electronic affixation of the online notary public's official electronic signature or seal. The online notary public shall certify compliance with this subsection (b) to the secretary of state as provided in rule.

(c) A former online notary public whose commission terminated for a reason other than revocation or a denial of renewal is not required to destroy the items described in subsection (b) if the former online notary public is recommissioned as an online notary public with the same electronic signature and seal within three (3) months after the former commission terminated.

8-16-313. Wrongful possession of software or hardware; criminal offense.

(a) It is an offense for a person who, without authorization, knowingly obtains, conceals, damages, or destroys the certificate, disk, coding, card, program, software, or hardware enabling an online notary public to affix an official electronic signature or electronic seal.

(b) A violation of this section is a Class D felony.

SECTION 3. Tennessee Code Annotated, Section 8-16-112, is amended by designating the existing language (a) and adding the following new subsection (b):

(b) The requirement of a notary public's signature by in ink by the notary's hand and a seal is satisfied if an electronic signature or a digitized image of a wet signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature.

SECTION 4. Tennessee Code Annotated, Section 8-16-114, is amended by adding the following subsection (b) and redesignating the current subsection (b) and subsequent subsections accordingly:

(b) The requirement in subsection (a) of an official seal of office or stamp imprinted in color ink is satisfied by an electronically transmitted document, if the document legibly reproduces the required elements of the seal. A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature.

SECTION 5. For administrative and rulemaking purposes, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2019, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1656*

House Bill No. 1849

by deleting SECTION 2 and substituting the following:

SECTION 2. Tennessee Code Annotated, Section 10-7-504, is amended by deleting subdivision (a)(15)(A)(ii)(g) and substituting instead the following:

(g) An affidavit from the director of a rape crisis center, domestic violence shelter, or human trafficking service provider, as defined in § 36-3-623, certifying that an individual is a victim in need of protection; provided, that such affidavit is on a standardized form to be developed and distributed to such centers, shelters, and providers by the Tennessee task force against domestic violence; and

SECTION 3. Tennessee Code Annotated, Section 10-7-504, is amended by deleting subdivision (a)(17) and substituting instead the following:

(17) The telephone number, address, and any other information which could be used to locate the whereabouts of a domestic violence shelter, family safety center, rape crisis center, or human trafficking service provider, as defined in § 36-3-623, may be treated as confidential by a governmental entity, and shall be treated as confidential by a utility service provider, as defined in subdivision (a)(15), upon the director of the shelter, family safety center, crisis center, or human trafficking service provider giving written notice to the records custodian of the appropriate entity or utility that such shelter, family safety center, crisis center, or human trafficking service provider desires that such identifying information be maintained as confidential. The records of family safety centers shall be treated as confidential in the same manner as the records of domestic violence shelters pursuant to § 36-3-623.



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SECTION 4. This act shall take effect July 1, 2018, the public welfare requiring
it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 264*

House Bill No. 941

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 34-1-101, is amended by adding the following as a new subdivision:

() "Least restrictive alternatives" means techniques and processes that preserve as many decision-making rights as practical under the particular circumstances for the person with a disability.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.



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